

Walter A. Tormasi, #136062/268030C  
New Jersey State Prison  
Second & Cass Streets  
P.O. Box 861  
Trenton, New Jersey 08625-0861  
Attorney for Plaintiff (Appearing Pro Se)

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
TRENTON VICINAGE

WALTER A. TORMASI, :  
 : CIVIL ACTION  
 :  
 Plaintiff, :  
 :  
 :  
 v. : CASE NO.:  
 :  
 [1] MARCUS O. HICKS, New Jersey :  
 Department of Corrections (DOC) :  
 Commissioner; [2] JOHN FALVEY, : COMPLAINT (featuring  
 DOC Assistant Director of Legal : CERTIFICATION OF ENTIRE  
 Affairs; [3] JONATHAN GRAMP, : CONTROVERSY, DEMAND FOR JURY  
 New Jersey State Prison (NJSP) : TRIAL, and VERIFICATION)  
 Administrator; [4] RAYMOND :  
 ROYCE, NJSP Administrator; [5] :  
 DAVID RICHARDS, NJSP Associate :  
 Administrator; [6] AMY EMRICH, :  
 NJSP Assistant Superintendent; :  
 [7] FATHOM BORG, NJSP Legal :  
 Liaison; [8] IMAM JAMAL :  
 EL-CHEBLI, NJSP Chaplaincy :  
 Supervisor; [9] RABBI YEHUDA :  
 SPRITZER, NJSP Chaplain; [10] :  
 REV. DR. VICTOR M. LEE, :  
 Religious Issues Committee :  
 (RIC) Chairman; [11] WILLIE :  
 BONDS, RIC Member; [12] MERVIN :

1 GANESH, RIC Member; [13] MAJOR :  
 KELLER, RIC Member; [14] REV. :  
 2 DR. JOY LYNCH, RIC Member; [15] :  
 REV. ESTHER MAURICE, RIC :  
 3 Member; [16] ELEAZAR SPRATLEY, :  
 RIC Member; [17] FATHER DR. :  
 4 LONGINUS UGWUEGBULEM, RIC :  
 Member; and [18] IMAM ANWAR :  
 5 WRIGHT, RIC Member, :  
 :  
 6 Defendants. :  
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7  
 8 Plaintiff Walter A. Tormasi, residing at New Jersey State  
 9 Prison, Second & Cass Streets, P.O. Box 861, Trenton, New  
 10 Jersey 08625-0861, complains against Defendants herein,  
 11 stating, under penalty of perjury, as follows:

#### 12 INTRODUCTION

13 1. The present civil action alleges the violation of  
 14 Plaintiff's right to religious freedom (Count I) and equal  
 15 protection (Count II), as guaranteed by the First and Fourteenth  
 16 Amendments to the United States Constitution (enforceable  
 17 through 42 U.S.C. § 1983); as guaranteed by the Religious Land  
 18 Use and Institutionalized Persons Act (enforceable through 42  
 19 U.S.C. § 2000cc-2); and as guaranteed by Article I, Paragraphs  
 20 1 and 3, of the New Jersey Constitution (enforceable through  
 21 N.J. Stat. Ann. § 10:6-2d and 28 U.S.C. § 1367(a)).

22 2. The cause of action arose during Plaintiff's  
 23 incarceration at New Jersey State Prison in Trenton. Defendants  
 24 were State employees who were personally involved in violating

1 Plaintiff's constitutional and statutory rights.

2       3. As discussed below, Plaintiff, who practices Judaism,  
3 sought to sanctify his living quarters with fragrance-infused  
4 anointment oils. Such oils are not available from within  
5 Plaintiff's prison facility. Plaintiff therefore requested  
6 permission to purchase religious anointment oils from an outside  
7 source. Defendants denied that request and thereby prevented  
8 Plaintiff from practicing his anointment ritual.

9       4. Regarding his free-exercise and RLUIPA claims (Count  
10 I), Plaintiff alleges that his Jewish beliefs are sincerely held  
11 and that his need for anointment oils sprang from his  
12 interpretation of Jewish Scripture, thus cloaking Plaintiff with  
13 religious protection. Plaintiff also alleges that the denial  
14 of anointment oils by Defendants unreasonably and unjustifiably  
15 restricted his chosen method of religious practice.

16       5. Regarding his equal-protection claim (Count II),  
17 Plaintiff alleges that Defendants subjected him to  
18 unconstitutional disparate treatment. This is because  
19 Defendants allowed at least one other Jewish inmate to purchase  
20 religious oils from an outside source. Defendants, in other  
21 words, treated Plaintiff differently from similarly situated  
22 individuals seeking to exercise their religious rights.

23       6. To remedy the foregoing constitutional and statutory  
24 violations, Plaintiff seeks the full measure of damages,

1 including punitive damages stemming from the reckless or callous  
2 indifference to Plaintiff's rights. Plaintiff also seeks an  
3 injunction mandating that Defendants allow him to purchase  
4 religious anointment oils from an outside source.

5 JURISDICTION, VENUE, AND VICINAGE

6 7. This Court has jurisdiction over Plaintiff's federal  
7 claims under 28 U.S.C. §§ 1331, 1343(a)(4), and 2000cc-2.

8 8. This Court has jurisdiction over Plaintiff's  
9 associated state-law claims under 28 U.S.C. § 1367(a).

10 9. All acts complained of herein occurred within the  
11 District of New Jersey, Trenton Vicinage, making that venue and  
12 vicinage entirely proper (see 28 U.S.C. § 1391(b)(2)).

13 PARTIES

14 10. During the cause of action, Plaintiff Walter A.  
15 Tormasi was in the custody of the New Jersey Department of  
16 Corrections (DOC) and was confined at New Jersey State Prison  
17 (NJSP) located at Second and Cass Streets in Trenton.

18 11. At all times mentioned herein, Defendants were  
19 employed by the State of New Jersey and had implemented and/or  
20 executed State functions (i.e., acted under color of law).

21 12. During the cause of action, Defendant Marcus O. Hicks  
22 was the Commissioner of DOC, served as its Chief Executive  
23 Officer (see N.J. Stat. Ann. § 30:1B-4), and was required to  
24 adopt and implement "rules and regulations"; to determine "all

1 matters of policy"; to "correct and adjust the same"; and to  
2 perform "such other functions as may be prescribed . . . by any  
3 other law" (see N.J. Stat. Ann. §§ 30:1B-6e, -6g, and -6q).

4 13. During the cause of action, Defendant John Falvey  
5 was the DOC Assistant Director of Legal Affairs and was  
6 responsible for directing DOC employees on legal and policy  
7 issues, including issues involving religious practices.

8 14. During the cause of action, Defendants Jonathan Gramp  
9 and Raymond Royce were NJSP Administrators and were responsible  
10 for "the proper conduct and management of the institution," "the  
11 conduct of all employees," and "the care and treatment of the  
12 inmates," said responsibilities to be discharged by them  
13 "according to law and the rules and regulations of the  
14 institution" (see N.J. Stat. Ann. §§ 30:4-4, -5, and -6).

15 15. During the cause of action, Defendant David Richards  
16 was an NJSP Associate Administrator and was responsible for,  
17 among other things, assisting with the management and  
18 administration of NJSP regarding religious and other matters.

19 16. During the cause of action, Defendant Amy Emrich  
20 was an NJSP Assistant Superintendent and was responsible for,  
21 among other things, assisting with the management and  
22 administration of NJSP regarding religious and other matters.

23 17. During the cause of action, Defendant Fathom Borg was  
24 an NJSP Legal Liaison and was responsible for, among other



1 things, coordinating legal matters between inmates and staff and  
2 redressing religious issues involving NJSP inmates.

3 18. During the cause of action, Defendant Imam Jamal  
4 El-Chebli was an NJSP Chaplaincy Supervisor and was responsible  
5 for, among other things, "coordinating and supervising the  
6 religious activities of the correctional facility/unit and  
7 ensuring that [governing religious] requirements . . . are  
8 fulfilled" (see N.J. Admin. Code § 10A:17-6.3(a)).

9 19. During the cause of action, Defendant Rabbi Yehuda  
10 Spritzer was an NJSP Chaplain and was responsible for "serving  
11 as liaison between correctional facility[] authorities [and] the  
12 inmates whose faiths are not represented in the correctional  
13 facility" (see N.J. Admin. Code § 10A:17-6.4(a)(2)).

14 20. During the cause of action, Defendants Dr. Victor M.  
15 Lee, Willie Bonds, Mervin Ganesh, Melinda Haley, Major Keller  
16 (first name unknown), Rev. Dr. Joy Lynch, Rev. Esther Maurice,  
17 Eleazar Spratley, Father Dr. Longinus Ugwuegbulem, and Imam  
18 Anwar Wright were members of the DOC Religious Issues Committee  
19 (RIC) and were responsible for honoring "freedom of religion"  
20 and "religious rights"; "reviewing any restrictions thereof to  
21 ensure that any such restrictions are reasonable and related to  
22 penological interests"; adjudicating "appeals submitted by  
23 inmates in regard to religious matters" and making "final  
24 [administrative] decision[s]"; reviewing "any other

1 considerations or situations pertinent to religious issues"; and  
2 "address[ing] and compl[ying] with provisions of State and  
3 Federal laws regarding religious issues" (see N.J. Admin. Code  
4 §§ 10A:17-6.6(c)(1), -6.6(c)(2), -6.6(c)(4), and -6.6(c)(5)).

5 21. In addition to having the above responsibilities,  
6 Defendants were required to: (1) follow the laws of the United  
7 States, including the First and Fourteenth Amendments and the  
8 Religious Land Use and Institutionalized Persons Act; (2) follow  
9 the laws of New Jersey, including Article I of the New Jersey  
10 Constitution; and (3) take remedial action to minimize or  
11 eliminate the harm caused by the violation of said laws.

12 22. Plaintiff sues Defendants in their individual capacity  
13 for damages and their official capacity for injunctive relief.

14 FACTUAL BACKGROUND

15 23. Plaintiff is actively, sincerely, and faithfully  
16 engaged in Jewish worship. However, for religious and  
17 philosophical reasons, Plaintiff is not affiliated with the  
18 Orthodox, Conservative, or Reform sects of Judaism. Plaintiff  
19 is, instead, independently engaged in Jewish self-practice.

20 24. The Jewish Bible is the Torah. It forms the  
21 foundation of Judaism. Just like Christians must follow the  
22 Holy Bible, and just like Muslims must follow the Koran,  
23 Plaintiff is beholden to the Torah. Plaintiff sincerely  
24 believes, as do all faithful Jews, that the Torah is the law of

1 God as revealed to Moses and as recorded in the first five books  
2 of the Hebrew Scriptures (said scriptural books consisting of  
3 Genesis, Exodus, Leviticus, Numbers, and Deuteronomy).

4 25. Plaintiff is deeply committed to Judaism. For  
5 example, as required under Jewish law, Plaintiff eats kosher  
6 foods, observes the Sabbath, engages in daily prayers, undergoes  
7 fasting, and celebrates all major Jewish holidays, including  
8 Rosh Hashanah, Passover, Yom Kippur, and Hanukkah. Plaintiff  
9 also studies the Torah for about one hour per day, with his  
10 total biblical studies amounting to several thousand hours. In  
11 addition, over the last few years, Plaintiff has read many  
12 books, treatises, commentaries, and other publications regarding  
13 Jewish theology. In short, Plaintiff is deeply committed to  
14 Judaism and acts in conformity with that commitment.

15 26. Judaism has numerous commandments. Those commandments  
16 are outlined in the Torah. Of particular relevance, one  
17 commandment relates to the anointment of God's Tent of Meeting.

18 27. Specifically, in the Book of Exodus, God commanded his  
19 prophet, Moses, to gather "choice spices," including "fragrant  
20 cinnamon," in order to make "oil of sacred anointment" by using  
21 the process of "compound[ing]" and "perfum[ing]" (Exhibit A  
22 (Exodus 30:22-25)). God commanded Moses to utilize the  
23 fragrance-infused oils to "anoint the Tent of Meeting" and "all  
24 its utensils," thereby "sanctify[ing]" such items and making



1 "holy" whoever "touches them" (Exhibit A (Exodus 30:26-29)).

2 28. Relying on his interpretation of the foregoing Jewish  
3 scripture, Plaintiff sought from prison officials "permission to  
4 purchase, from an outside source, fragrance-infused religious  
5 anointment oils" (Exhibit B, at page 1). Plaintiff's written  
6 request, dated March 29, 2021, explained as follows:

7 I believe that the above Torah verses  
8 [i.e., Exodus 30:22-29] apply directly to  
9 my situation. I believe, in particular,  
10 that my prison cell functions as God's Tent  
11 of Meeting. I hold this belief because  
12 my cell is where I worship and where God  
meets with me. I also hold this belief  
because my cell, like the Tent of Meeting  
described in the Torah, is my temporary  
abode (place of rest) pending my eventual  
release from custody/enslavement.

13 In addition to believing that my cell  
14 serves as God's Tent of Meeting, I believe  
15 that I am obligated to perform the  
16 anointment process originally entrusted to  
17 Moses. This belief is based on my  
18 interpretation of the Torah. Pursuant to  
19 Jewish scripture, I believe that I descended  
from Abraham/Moses. I also believe that I  
must follow God's commandments (including the  
anointment commandment), even if those  
commandments were issued to others within  
prior generations, such as Moses.

20 Given the above construction, I  
21 sincerely believe that I must anoint my  
22 prison cell and its utensils/furnishings with  
sacred oils, doing so at least daily. The  
current request is directed at exercising  
this sincerely held religious belief.

23 Obviously, my daily anointment routine  
24 will require large quantities of oil. My  
prison cell measures 5 feet wide, 8 feet

1 long, and 7 feet high. In total, my walls  
2 and ceiling feature over 200 square feet of  
3 surface area. Because I intend to sanctify  
4 those surfaces (as well as the surfaces of  
5 all utensils/furnishings), I need to purchase  
6 64 ounces of anointment oils per month to  
7 cover my estimated daily consumption.

8 Although New Jersey State Prison offers  
9 religious oils through its commissary  
10 program, those oils do not meet the standards  
11 outlined in the Torah. For one thing, the  
12 oils on commissary are generic "prayer oils,"  
13 which are designed to be applied to human  
14 flesh during worship. Anointment oils, in  
15 contrast, are intended to sanctify inanimate  
16 objects (i.e., God's Tent of Meeting and its  
17 utensils/furnishings) and, according to the  
18 Torah, "shall not be smeared on human flesh"  
19 (Exodus 30:32 [Exhibit A]). Moreover,  
20 anointment oils must contain certain "choice  
21 spices" and be specially blended/perfumed to  
22 have sanctifying characteristics (Exodus  
23 30:22-25 [Exhibit A]). Because the oils sold  
24 on commissary do not meet these important  
religious standards, I must obtain my  
anointment oils from an external supplier.

I respectfully request that my religious  
needs be accommodated. Specifically, in  
accordance with my sincerely held Jewish  
beliefs, I request permission to purchase,  
from an outside source, 64 ounces per month  
of fragrance-infused anointment oils. Please  
approve this request as soon as possible.

29. Plaintiff incorporates and repeats all paragraphs of  
his above-quoted letter (Exhibit B) as though such paragraphs  
were set forth as freestanding factual allegations.

30. Plaintiff mailed his above-quoted letter to the DOC  
Religious Issues Committee and to Defendants Marcus O. Hicks,  
John Falvey, Jonathan Gramp, David Richards, Amy Emrich, Fathom

1 Borg, Imam Jamal El-Chebli, Rabbi Yehuda Spritzer, Rev. Dr.  
2 Victor M. Lee, Willie Bonds, Mervin Ganesh, Milinda Haley, Major  
3 Keller, Rev. Joy Lynch, Rev. Esther Maurice, Eleazar Spratley,  
4 Father Dr. Longinus Ugwuegbulem, and Imam Anwar Wright.

5 31. Plaintiff's mailing of his above-quoted letter to said  
6 Defendants is memorialized by the attached Postage Remits  
7 (Exhibit C), all of which were signed/approved by prison staff.

8 32. To date, Defendants failed to grant Plaintiff  
9 permission to purchase anointment oils from an outside source,  
10 thereby preventing Plaintiff from anointing God's Tent of  
11 Meeting (his prison cell) and its utensils/furnishings.

12 33. During the cause of action, Defendants permitted at  
13 least one other Jewish inmate at NJSP (namely, Zion'Eliyah  
14 Yah'Torah, SBI No. 440122B) to purchase religious oils from an  
15 outside source. In his above-quoted letter, dated March 29,  
16 2021, Plaintiff "insist[ed] on equal treatment[] and . . .  
17 object[ed] to any discriminatory barriers preventing [him] from  
18 performing [his] anointment ritual" (Exhibit B, at page 3).

19 34. In refusing to allow Plaintiff to purchase anointment  
20 oils from an outside source, Defendants did not dispute that  
21 Plaintiff's religious beliefs were sincerely held or that his  
22 need for anointment oils sprang from his interpretation of  
23 Jewish Scripture (see Exhibits F, H, I, and J). Nor did  
24 Defendants dispute that they discriminated against Plaintiff by

1 allowing another Jewish inmate to purchase religious oils from  
2 an outside source (see Exhibits F, H, I, and J).

3 35. Notably, in their decisions denying Plaintiff's  
4 request, Defendants insisted that Plaintiff purchase oils from  
5 NJSP's commissary (see Exhibits F, H, I, and J). Plaintiff  
6 responded (see Exhibit I), explaining: "For the reasons stated  
7 in my memorandum dated March 29, 2021, the prayer oils on  
8 commissary do not meet my religious standards. That is why I  
9 requested to purchase anointment oils from an outside source."

10 36. Thus, given Plaintiff's above-quoted response (Exhibit  
11 I) and his letter dated March 29, 2021 (Exhibit B), said letter  
12 attached to Plaintiff's numerous inquiries/grievances (Exhibits  
13 D, F, G, and I), Defendants knew that the religious oils offered  
14 on NJSP's commissary were religiously inadequate.

15 37. Moreover, given this Court's rejection of qualified  
16 immunity in an oils-related lawsuit, as well as this Court's  
17 issuance of an injunction requiring DOC/NJSP officials to allow  
18 another Jewish inmate to purchase religious oils from an outside  
19 source (see Exhibits K and L), Defendants knew that their  
20 conduct violated Plaintiff's clearly established rights.

21 38. Plaintiff suffered injury, as well as an undue  
22 burden, through the actions or inactions of Defendants. This is  
23 because Plaintiff was, and continues to be, prevented from  
24 anointing God's Tent of Meeting (his prison cell) and its



1 utensils/furnishings, as mandated by the Torah.

2 39. Before bringing suit against Defendants, Plaintiff  
3 exhausted all administrative remedies extended to him (see  
4 Exhibits D, E, F, G, H, I, and J), with his final-level appeal  
5 being denied by Defendant Raymond Royce (see Exhibit I).

6 COUNT I - VIOLATION OF FREEDOM OF RELIGION

7 40. Through their actions or inactions, Defendants  
8 prevented Plaintiff from receiving anointment oils, violating  
9 Plaintiff's right to religious freedom, as guaranteed by the  
10 First Amendment to the United States Constitution (enforceable  
11 through 42 U.S.C. § 1983); as guaranteed by the Religious Land  
12 Use and Institutionalized Persons Act (enforceable through 42  
13 U.S.C. § 2000cc-2); and as guaranteed by Article I, Paragraph  
14 3, of the New Jersey Constitution (enforceable through N.J.  
15 Stat. Ann. § 10:6-2d and 28 U.S.C. § 1367(a)).

16 41. In violating Plaintiff's rights in the manner alleged,  
17 Defendants acted with reckless or callous indifference, thus  
18 exposing Defendants to individual punitive damages.

19 COUNT II - VIOLATION OF EQUAL PROTECTION

20 42. Plaintiff belongs to the legally protected class of  
21 Jewish inmates desiring religiously suitable and religiously  
22 necessary fragrance-infused oils for worship purposes.

23 43. During the cause of action, Defendants discriminated  
24 against Plaintiff by permitting one or more similarly situated



1 individuals within Plaintiff's protected class to purchase  
2 fragrance-infused religious oils from an outside source.

3 44. Through their actions or inactions, Defendants  
4 subjected Plaintiff to discrimination, violating Plaintiff's  
5 right to equal protection, as guaranteed by the Fourteenth  
6 Amendment to the United States Constitution (enforceable through  
7 42 U.S.C. § 1983); and as guaranteed by Article I, Paragraph  
8 1, of the New Jersey Constitution (enforceable through N.J.  
9 Stat. Ann. § 10:6-2d and 28 U.S.C. § 1367(a)).

10 45. In violating Plaintiff's rights in the manner alleged,  
11 Defendants acted with reckless or callous indifference, thus  
12 exposing Defendants to individual punitive damages.

13 PRAYER FOR RELIEF

14 WHEREFORE, Plaintiff respectfully requests that the Court  
15 issue judgment against Defendants, as follows:

16 A. declaring that Defendants violated Plaintiff's right  
17 to religious freedom (as alleged in Count I) and Plaintiff's  
18 right to equal protection (as alleged in Count II);

19 B. injunctive relief requiring Defendants or their  
20 successors to allow Plaintiff to purchase, from an outside  
21 source, 64 ounces per month of religious anointment oils;

22 C. compensatory damages in the amount of \$1 million, to  
23 be assessed against all Defendants jointly and severally;

24 D. punitive damages in the amount of \$5 million, to be

1 assessed against all Defendants qualifying therefor;

2 E. costs for bringing suit; and

3 F. such other relief as the Court deems proper.

4  
5 

Walter A. Tormasi

6 Dated: March 16, 2022

7  
8 CERTIFICATION OF ENTIRE CONTROVERSY

9 Pursuant to L. Civ. R. 11.2, Plaintiff hereby certifies  
10 that this matter constitutes the entire controversy.

11 

Walter A. Tormasi

12 Dated: March 16, 2022

13 DEMAND FOR JURY TRIAL

14 Pursuant to Fed. R. Civ. P. 38(b)(1), Plaintiff hereby  
15 demands trial by jury regarding all factual issues.

16 

Walter A. Tormasi

17 Dated: March 16, 2022

18 VERIFICATION

19 I hereby verify, under penalty of perjury pursuant to 28  
20 U.S.C. § 1746, that the above facts are true and that the  
21 accompanying exhibits are genuine and authentic reproductions.

22 

Walter A. Tormasi

23 Dated: March 16, 2022